

# HOUSE BILL No. 1116

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-10-2-1; IC 14-20-1; IC 14-20-1.1.

**Synopsis:** Historic site fees. Allows the natural resources commission to establish admission fees for historic sites. Makes changes to the organization and duties of the division of state museums and historic sites and the division's board of trustees. Establishes the historic site fund and requires the fees to be deposited in the fund. Provides that at least 51% of the fees collected from a particular historic site must be used for the educational programs at the historic site and for the maintenance and operation of the historic site. (The introduced version of this bill was prepared by the natural resources study committee.)

**Effective:** April 1, 2004.

**Lytle**

January 13, 2004, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

C  
o  
p  
y



Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1116

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-8-2-77, AS AMENDED BY P.L.145-2002,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 APRIL 1, 2004]: Sec. 77. "Division" has the following meaning:

4 (1) For purposes of IC 14-9-8, the meaning set forth in  
5 IC 14-9-8-2.

6 (2) For purposes of IC 14-20-1, the meaning set forth in  
7 IC 14-20-1-2.

8 (3) For purposes of **IC 14-20-1.1** and IC 14-21-1, the meaning set  
9 forth in IC 14-21-1-6.

10 (4) For purposes of IC 14-22, the division of fish and wildlife.

11 (5) For purposes of IC 14-24, the division of entomology and  
12 plant pathology.

13 (6) For purposes of IC 14-25.5, the division of water.

14 (7) For purposes of IC 14-31-2, the meaning set forth in  
15 IC 14-31-2-4.

16 (8) For purposes of IC 14-37, the division of oil and gas.

17 SECTION 2. IC 14-8-2-107, AS AMENDED BY P.L.186-2003,

2004

IN 1116—LS 6125/DI 77+



C  
o  
p  
y

SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
APRIL 1, 2004]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in  
IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in  
IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in  
IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in  
IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in  
IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in  
IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in  
IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in  
IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in  
IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in  
IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in  
IC 14-19-8-1.

(12) For purposes of IC 14-20-1, the meaning set forth in  
IC 14-20-1-3.

**(13) For purposes of IC 14-20-1.1, the meaning set forth in  
IC 14-20-1.1-1.**

**(14)** For purposes of IC 14-20-11, the meaning set forth in  
IC 14-20-11-2.

~~(14)~~ **(15)** For purposes of IC 14-22-3, the meaning set forth in  
IC 14-22-3-1.

~~(15)~~ **(16)** For purposes of IC 14-22-4, the meaning set forth in  
IC 14-22-4-1.

~~(16)~~ **(17)** For purposes of IC 14-22-5, the meaning set forth in  
IC 14-22-5-1.

~~(17)~~ **(18)** For purposes of IC 14-22-8, the meaning set forth in  
IC 14-22-8-1.

~~(18)~~ **(19)** For purposes of IC 14-22-34, the meaning set forth in  
IC 14-22-34-2.

~~(19)~~ **(20)** For purposes of IC 14-23-3, the meaning set forth in  
IC 14-23-3-1.

C  
o  
p  
y



(20) For purposes of IC 14-23-8, the meaning set forth in IC 14-23-8-1.

(21) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

(22) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

(23) For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

(24) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

(25) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

(26) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

(27) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

(28) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

(29) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

(30) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

(31) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

(32) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 3. IC 14-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 1. The commission may do the following:

(1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.

(2) Promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the commission, that comply with the standards and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.

(3) Establish in accordance with criteria established by the United States Secretary of the Interior a program of matching

C  
o  
p  
y



grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Indiana history, architecture, archeology, and culture.

(4) Accept grants from public and private sources, including those provided under 16 U.S.C. 470 et seq.

**(5) Set, collect, and review admission fees for historic sites.**

SECTION 4. IC 14-20-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 8. (a) The division consists of the following two (2) sections:

(1) The section of museums.

(2) The section of historic sites.

~~(b) The division director may not serve as the head of a section of the division.~~

~~(c) An individual may not serve as the head of more than one (1) section of the division.~~

~~(d)~~ **(b)** There must be a separate line item for each section of the division in each bill appropriating money to the division.

SECTION 5. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

**(7) Make and execute contracts or other instruments that are necessary or convenient to exercise the division's duties and powers.**

C  
o  
p  
y



(8) Establish and collect admission charges, fees, rent, and other user fees for the following:

(A) The state museum and historic sites.

(B) Restaurants and other facilities located at the state museum or historic sites.

(C) Programs, lectures, classes, tours, and trips provided at the state museum or historic sites.

(9) Employ or contract with a person to manage or operate any aspect of the state museum or historic sites.

(10) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.

(11) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.

(12) Own and enforce the division's copyrights, trademarks, and service marks.

(13) Notwithstanding IC 5-22-22, under policies adopted by the division, sell, donate, or exchange artifacts in the division's collection to or with a public or nonprofit museum or historical society.

SECTION 6. IC 14-20-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) ~~One (1) member~~ **Three (3) members** of the Indiana State Museum ~~Society Foundation who are~~ nominated by the ~~Society. Foundation.~~

~~(B) One (1) member of the Indiana State Museum Volunteers nominated by the volunteers.~~

~~(C) (B)~~ **(B)** Two (2) members must be recognized supporters of historic sites **who are nominated by a recognized supporter of historic sites.**

~~(D) (C)~~ **(C)** Not more than seven (7) members may be members of the same political party.

~~(E) Not more than two (2) members may be from the same county.~~

~~(F) Each congressional district in Indiana must be represented by at least one (1) member.~~

(c) The terms of the appointed members shall be staggered.

**(d) The governor shall make appointments under subsection (b)**

C  
o  
p  
y



1 in a manner to achieve diversity and geographic balance among the  
2 trustees.

3 SECTION 7. IC 14-20-1-22 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 22. The trustees shall  
5 do the following:

6 ~~(1)~~ Nominate, when the position of division director is vacant, a  
7 person to be appointed by the director to that position. If the  
8 director rejects a nominee's appointment, the trustees shall  
9 nominate another person.

10 ~~(2)~~ Recommend, when appropriate, the dismissal of a division  
11 director.

12 ~~(3)~~ Make recommendations concerning the salary ranges of the  
13 administrative, professional, and technical staff of the division.

14 ~~(4)~~ (1) Review the budget needs and requests of the division and  
15 make recommendations concerning the needs and requests to the  
16 governor through the director.

17 ~~(5)~~ (2) Recommend that the department accept or reject, hold, or  
18 dispose of grants of property to be administered by the division  
19 for the purpose of preservation, research, or interpretation of  
20 significant areas, events, or grants to citizens of Indiana for the  
21 purpose of preserving, studying, and interpreting archeological  
22 and natural phenomena, cultural trends, and accomplishments.

23 ~~(6)~~ (3) Review, guide, and assist in the development of statewide  
24 outreach programs.

25 ~~(7)~~ (4) Review, guide, and assist in the development of  
26 professionalism of the staff and operations.

27 ~~(8)~~ (5) Review, recommend, and devise methods to enable the  
28 division to do the following:

29 ~~(1)~~ (A) Increase the division's physical plant.

30 ~~(2)~~ (B) Expand the educational areas.

31 ~~(3)~~ (C) Meet storage needs.

32 ~~(9)~~ (6) Develop a plan of growth to meet physical, program, and  
33 financial needs for both the immediate and long range future,  
34 monitor the plan at regular intervals, and ensure that the  
35 institution stays within the developed plan.

36 ~~(10)~~ (7) Recommend policies, procedures, and practices that the  
37 commission, the director, and the secretary shall consider.

38 ~~(11)~~ (8) Give advice or make recommendations to the governor  
39 and the general assembly when requested or on the initiative of  
40 the trustees.

41 ~~(12)~~ (9) Review the conduct of the work of the division. To  
42 implement this duty, the trustees have access at any reasonable

C  
o  
p  
y



time to copies of all records pertaining to the work of the division.

~~(+3)~~ (10) Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.

~~(+4)~~ (11) Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

~~(+5)~~ (12) Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

~~(+6)~~ (13) Promote the welfare of the division.

~~(+7)~~ (14) Make recommendations concerning the administration of the fund established by section 24 of this chapter.

SECTION 8. IC 14-20-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]:

**Chapter 1.1. Historic Site Fund**

**Sec. 1. As used in this chapter, "fund" refers to the historic site fund established as a dedicated fund by section 2 of this chapter.**

**Sec. 2. (a) The historic site fund is established to provide funding for educational programs and the operation of historic sites. The fund shall be administered by the division.**

**(b) The expenses of administering the fund shall be paid from money in the fund.**

**(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.**

**(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(e) Money in the fund is annually appropriated to the division for purposes established in this section.**

**Sec. 3. (a) Fees collected under IC 14-10-2-1(5) and proceeds from sales and leases under IC 14-20-1-23(b) shall be deposited in the fund.**

**(b) At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5) from a particular historic site must be used for:**

- (1) educational programs conducted at the historic site; and**
- (2) the maintenance and operation of the historic site.**

**SECTION 9. An emergency is declared for this act.**

C  
o  
p  
y

